

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DEBBIE SHERMAN,  
Plaintiff,

v.

AI/FOCS, INC.,  
Defendant.

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CV No. 97-11491-JLT

ORDER OF JUDGMENT

August **2**, 2000

TAURO, J.,

Following submissions by the parties, and in accordance with this court's Memorandum and Order of May 24, 2000, damages for Plaintiff are determined as follows:

- |   |              |
|---|--------------|
| 1. Plaintiff's total lost wages for 167 weeks <sup>1</sup> at \$564 per week: | \$ 94,188.00 |
| 2. Plaintiff's offset earnings and benefits:                                  | \$ 57,214.93 |
| 1996 Unemployment <sup>2</sup>  | \$ 4,043.00  |
| 1997 Town of Sherborn   | \$ 1,396.43  |
| BJ's Wholesale <sup>3</sup>   | \$ 4,049.77  |
| Unemployment  | \$ 5,287.00  |
| 1998 Town of Sherborn   | \$ 4,630.98  |
| BJ's Wholesale  | \$ 9,800.15  |
| Town of Natick  | \$ 1,146.60  |

<sup>1</sup> Plaintiff lost wages from September 16, 1996 through December 6, 1999. This equals: 15 weeks in 1996; 52 weeks in 1997 and 1998; and 48 weeks in 1999; for a total of 167 weeks.

<sup>2</sup> Defendant's Supplemental Submission on Damages failed to include this figure.

<sup>3</sup> Plaintiff's Memorandum of Damages states the number as \$4,046.77. The court uses \$4,049.77, however, because that was the number cited on the Stipulation of the Parties on May 5, 1999, and because Defendant's Supplemental Submission on Damages also cites the larger number.

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1999 Wages \$ 26,861.00

Total: \$57,214.93

3. Net Lost Wages: \$ 36,973.07

4. Consequential Damages: \$ 11,100.00

5. Net Damages: \$ 48,073.07

6. Pre-judgment Interest:<sup>4</sup> \$ 3,064.56

September 6, 1996 to May 24, 2000 = 1,356 days

Average Daily Balance = \$ 35.45

Interest Rate of 6.375%

Per diem interest of \$ 2.26 for 1,356 days = \$3,064.56

7. Total damages: \$ 51,137.63

8. Liquidated Damages under 29 U.S.C. § 2617(a)(1)(A)(iii): \$ 102,275.26

#### CONCLUSION

Plaintiff's total damages amount to \$ 102,275.26. Post-judgment interest shall be calculated at 6.375%.

IT IS SO ORDERED.



United States District Judge

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<sup>4</sup>Pre-judgment interest was calculated using the per diem basis proposed by Plaintiff, without objection. The court used today's prevailing interest rate (calculated as of May 31, 2000), as announced by the Administrative Office of the United States Courts. See 28 U.S.C. § 1961.